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PLEASE REPLY TO ROSELAND

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July 28, 1999

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Via Telecopy and Regular Mail

Muthu Sundram, Esq. **Assistant Regional Counsel** Office of Regional Counsel US Environmental Protection Agency - Region II 290 Broadway, 17th Floor New York, NY 10007

> LCP Chemicals Site, Linden, New Jersey Re: EPA Order Index No. II-CERCLA-02-99-2015

Dear Mr. Sundram:

As you know, pursuant to paragraph 50 of the Administrative Order on Consent for Remedial Investigation and Feasibility Study ("the Consent Order"), ISP is required to use its best efforts to obtain access to the LCP Chemicals site within sixty (60) days of the effective date of the Consent Order.

This letter is being sent to provide a chronology of ISP's efforts to obtain access to the LCP site.

- We have had numerous telephone conversations with Lisa Bonsall, Esq., attorney for the Hanlin Corporation. Ms. Bonsall states that she does not have authorization to sign an access agreement permitting ISP to enter the LCP Chemical site. A copy of the letter we received from Ms. Bonsall is enclosed.
- We conducted a search through the Secretary of State. The following individuals 2. were identified:



OF COUNSEL

MORRIS BIENENFELD

DENNIS BRODKIN

DENNIS M. TOFT

## WOLFF & SAMSON

Muthu Sundram, Esq. July 28, 1999 Page 2

Registered agent for LCP Chemicals, New Jersey was listed as Peter Tracy
 Raritan Plaza II
 Raritan Center
 Edison, New Jersey 08837.

An access agreement was sent to Mr. Tracy by registered mail. The letter was returned as undeliverable.

b. Registered agent for the Hanlin Group, Inc. was listed as C.A. Hansen Jr.
Raritan Plaza II
Raritan Center
Edison, New Jersey 08837.

An access agreement was sent to Mr. Hansen by registered mail. The letter was returned as undeliverable. It also appears from Hanlin's 104(e) response that Mr. Hansen's relationship with the debtors was terminated.

- 3. An access agreement was sent by registered mail to Mr. Stan Mokar, President of Active Water Jet, a tenant on the LCP site. This office was contacted by Gary Roth, Esq., attorney for Active Water Jet. The terms to the access agreement are being negotiated.
- 4. We also contacted Alan Margolis. Mr. Margolis is listed on the Hanlin Corporation 104(e) Response at the Secretary/Treasurer of the Hanlin Group. In this capacity, he certified Hanlin's 104(e)'s answers. We have requested that Mr. Margolis sign the access agreement on behalf of the Hanlin corporation. He indicated that he would consult with Hanlin's attorney (Lisa Bonsell) when she returns from vacation July 26th and will get back to us. However, based upon earlier statements, it appears that Mr. Margolis will take the position that he is only employed by the debtor-in-possession, not the debtor.

WOLFF & SAMSON

Muthu Sundram, Esq. July 28, 1999 Page 3

Based upon these positions taken by Ms. Bonsall and Mr. Margolis, and our inability to find a representative of Hanlin Group to agree to access that we will be required to commence an action in New Jersey State Court to obtain access to the site, and attempt constructive service upon Hanlin Group. If you have any different mechanisms to assist ISP gaining access to the site it would be greatly appreciated.

Very truly yours,

SHARON L. WEINER

SLW:jmc

cc: Celeste Wills, Esq.

Sunil Garg, Esq. Patricia Simmons

#### MCCARTER & ENGLISH, LLP

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CHERRY HILL, NJ

BOCA RATON, FL WILMINGTON, DE PHILADELPHIA, PA

July 22, 1999

Re:

Temporary Access Agreement LCP Chemicals, Inc. Property Linden, New Jersey

Sharon L. Weiner, Esq.
Wolff & Samson
280 Corporate Center
5 Becker Farm Road
Roseland, New Jersey 07068-1776

Dear Ms. Weiner:

We represent Hanlin Group, Inc. ("Hanlin"), as Debtor-in-Possession under the United States Bankruptcy Code.

As you may be aware, Hanlin filed a Bankruptcy Petition under Chapter 11 of the United States Bankruptcy Code on July 10, 1991. As a Debtor and Debtor-in-Possession, Hanlin continued to operate until its operating assets were sold in April, 1994. Since that time, Hanlin has been in the process of liquidating its remaining assets and claims. It has not conducted any manufacturing operations since its assets were sold in 1994, and has not had any personnel at the Linden site since 1994 either. Although it continues in a Chapter 11, it has insufficient funds or assets to satisfy the claims of administrative creditors, and will not make any distributions to unsecured creditors.

As part of the liquidation process, the Debtor-in-Possession abandoned all interest in property owned by Hanlin located in Linden, New Jersey. An order was entered by the Court

# MCCARTER & ENGLISH, LLP

Sharon L. Weiner, Esq. July 22, 1999 Page 2

approving the abandonment on November 10, 1998. As a result of that order, the Debtor-in-Possession no longer has any interest whatsoever in the property.

Your letter June 17 requests permission to enter the premises and perform work pursuant to NJSA 58:10B-16. Please be advised that, as a result of the abandonment order, the Debtor-in-Possession has no authority to grant or deny such permission.

Furthermore, while the prepetition Debtor known as Hanlin Group, Inc. still technically exists, it does not operate, function, pay taxes, or conduct any business whatsoever. Although we represent the Debtor-in-Possession and not the Debtor, I write to advise you of Hanlin's financial and corporate status. I believe it unlikely that you will receive any response to your June 17 requests for permission to enter the property, in light of the fact that there is no authorized personnel to grant such permission. Nor do I believe that the Debtor will object to any application pursuant to NJSA 58:10B-16 for permission to enter the property. On behalf of the Debtor-in-Possession, I can stipulate that the Debtor-in-Possession has no objection whatsoever.

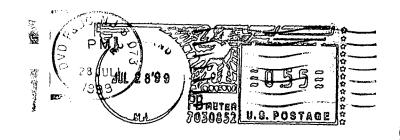
If I can be of further assistance, please do not hesitate to call.

truly yours.

LSB:vls

# WOLFF & SAMSON

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